

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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M&T MORTGAGE CORP.,

Plaintiff,

-against-

LEO WHITE et al.,

Defendants.

04-CV-4775 (NGG) (VVP)

and

LEO WHITE,

Third-Party Plaintiff,

ORDER

against

BETTER HOMES DEPOT, INC., et al.,

Third-Party Defendants.
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LINDA COUNCIL and KIMBERLY COUNCIL,

Plaintiffs,

-against-

04-CV-5620 (NGG) (VVP)

BETTER HOMES DEPOT, INC., et al.,

Defendants.
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NICHOLAS G. GARAUFIS, United States District Judge.

This court has reviewed the unopposed Report and Recommendation ("R&R") of Magistrate Judge Viktor V. Pohorelsky dated March 18, 2010. (Docket Entry #290, No. 04-CV-4775; Docket Entry #313, No. 04-CV-5620.) Finding no clear error, the court adopts Judge

Pohorelsky's thorough and well-reasoned R&R pursuant to 28 U.S.C. § 636(b)(1). Accordingly, the Motion for Summary Judgment by Better Homes Depot, Inc. and Madison Home Equities, Inc. (Docket Entry #279, No. 04-CV-4775; Docket Entry #310, No. 04-CV-5620) and the Motion for Summary Judgment by Defendant/Third-Party Plaintiff Leo White and Plaintiffs Linda Council and Kimberly Council (Docket Entry #282, No. 04-CV-4775; Docket Entry #313, No. 04-CV-5620) are DENIED.

SO ORDERED.

Dated: Brooklyn, New York
August ~~25~~²⁶, 2010

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS *U*
United States District Judge